

REMARKS

Claims 1, 26, 51, 54-60 and 62-95 are pending with claims 1, 26, 51, 83, 84 and 85 being independent. Claims 1, 26, 51, 54-60, 62-66 and 78-85 have been amended. The independent claims have been amended to remove certain features and to recite that the read biological information is checked with the stored biological information without a necessity of a communication between the portable communication device and the server (claims 1, 26 and 51), between the client device and the server (claim 83), or between the client and the server (claims 84 and 85). Claims 86-95 have been added to recite features that have been removed from the independent claims. Support for the new features of the independent claims may be found in the application at, for example, page 4, lines 9 to 19, which notes that "there is no necessity of exchanging data between the user and the opposite end for the identification process of an individual," where the user would use the portable communication device, the client device or the client, and the opposite end may also be referred to as the server (see page 2, line 13). Further support is provided at page 2, line 26 to page 3, line 3, which notes that the process of identifying an individual is carried out by using only the communication device, and that the opposite end is informed of the identification only when the identification has been made. No new matter has been introduced.

Claims 57, 58, 71 and 72 have been objected to under 35 C.F.R. 1.75(c), as being in improper dependent form for failing to further limit the subject matter of a previous claim. Applicant requests reconsideration and withdrawal of these objections in view of the amendment of claims 1 and 26.

Independent claims 84 and 85 have been rejected as being unpatentable over Li (U.S. Patent No. 6,219,793). Applicant requests reconsideration and withdrawal of this rejection because Li does not describe or suggest checking the read biological information with the stored biological information without a necessity of a communication between the client and a server, as recited in each of claims 84 and 85.

In response to applicant's prior arguments that Li doesn't describe or suggest having the checking carried out by using only the checking circuit, the Examiner

selectively quotes a passage of Li at col. 12, lines 8-36: "FCPD 101 also includes a CPU (central processing unit) 401 that can supply ... all processing of fingerprint images and their subsequent comparison." However, this quotation leaves out a critical portion of the passage between "supply" and "all," which says that the CPU can supply "all the computational needs of the 'challenge-response' authentication process." As applicant has previously noted, Li's use of a challenge-response approach is a fundamental difference between Li and the claimed subject matter.

In general, Li's "challenge-response" approach needs to exchange data between a server and a client. Li clearly teaches that the CAS 106 sends the encrypted challenge and token CK 202 to the wireless phone 102 at step 307; the FCPD 101 requires the wireless phone user to input fingerprint locally to generate a token at step 308; the FCPD 101 compares the locally generated token with the token CK202 from the CAS 106 to match at step 309; the wireless telephone 102 sends the decrypted challenge and the locally generated token back to the CAS 106 at step 311; and the CAS compares the two tokens for match at step 313 (see at least Figs. 3A and 3B of Li). Accordingly, for at least these reasons, Li does not describe or suggest checking the read biological information with the stored biological information without a necessity of a communication between the client and a server, as recited in each of claims 84 and 85, and the rejection should be withdrawn.

Claims 1, 26, 51, 54-70 and 73-83 have been rejected as being unpatentable over Li in view of Nagayoshi (U.S. Patent N. 6,839,798). Similarly to claims 84 and 85, independent claim 1 recites "a checking circuit for checking the read biological information with the stored biological information without a necessity of a communication between the portable communication device and the server;" independent claim 26 recites "checking the read biological information with the stored biological information by a checking circuit in the portable communication device without a necessity of a communication between the portable communication device and a server;" independent claim 51 recites "checking the read biological information with the reference biological information without a necessity of a communication between the portable communication device and the server;" and independent claim 83 recites "a checking means for checking the read biological information with the reference biological information without a necessity of a communication between the client device and the server."

Accordingly, applicant requests reconsideration and withdrawal of this rejection for the reasons discussed above with respect to claims 84 and 85, and because Nagayoshi, which is cited as showing a flash memory device, does not remedy this failure of Li.

Applicant requests reconsideration and withdrawal of the rejection of dependent claims 57 and 71, and allowance of new claims 88, 90, 92 and 94, for the additional reason that, as discussed in applicant's prior reply, Li does not describe or suggest sending a personal identification number (PIN) to a server after transmitting information to the server that the fingerprint checking has matched, and permitting the biological information to be rewritten when the PIN matches a number stored at the server. The Examiner has responded to this failure of Li by arguing that a personal information number may be broadly defined and that Li therefore uses a personal information number. This argument, even assuming it is correct, ignores that fact that the claims do not merely recite the use of a PIN and, instead, recite a particular process for using a PIN. Li in no way describes or suggests this process.

Applicants submit that all claims are in condition for allowance.


The fee in the amount of \$130 in payment of the one-month extension fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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